

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

KENNETH SMITH,

Petitioner,

-vs-

FRANCISCO PINEDA, Warden,

Respondent.

:

Case No. 1:12-cv-196

:

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

:

ORDER GRANTING STAY

This capital habeas corpus case is before the Court on Smith's Motion for Stay (Doc. No. 29) which the Warden opposes (Doc. No. 30).

For the reasons given in the Court's Order of February 7, 2014, staying consideration of the lethal injection claims in *Raglin v. Mitchell*, Case No. 1:00-cv-767, Smith's Motion is GRANTED. Further consideration of Smith's lethal injection claims is STAYED to and including March 17, 2014, the sixtieth day after the execution of Dennis McGuire. Not later than that date, Smith must move to amend to add any claims cognizable in habeas corpus which he has regarding Ohio's current lethal injection protocol.

February 7, 2014.

s/ *Michael R. Merz*
United States Magistrate Judge

